

IRB Report June 2020

I will begin my report by acknowledging the hard work of my predecessor in the role of CEIU National Vice-President for the IRB, Marco Angeli, who did a tremendous job working with our employer to stabilize and strengthen our relationship. Moreover, he was faced with immense challenges and yet remained focused on the important issues presented to our members by an organization that was hyper concerned with its own growth. Thank you for your time as NVP.

I took over for Marco as NVP in the middle of November 2019. The fiscal year 2019/2020 has been a very difficult one for the Board as, due to an increase of refugee referrals in 2018 and, to a lesser extent, in 2017 and 2019, our organization now has the largest backlog in its history. In response to this, the government of Canada gave us \$100 million in which to tackle this backlog. Consequently, the Board began growing the organization to address the build up of claims, beginning with hiring more decision makers (both public servant and governor in council), more support staff, and, in order to have a place to put the staff, sought out more office space. The pressures were immense. Change has been too fast and communication too slow.

The IRB is Canada's largest administrative tribunal and we are larger even now than we were this time last year as the Board continues to hire staff, even in the midst of the COVID-19 pandemic. (13 new decision makers are being trained in Montreal as I write this report.) Our work environment has changed as we now have more people on term sunset clauses than we have in the past, which has created an atmosphere of worry. Those hired in this capacity worry about their employment status (will they or won't they be let go and when) and those who are regular terms or independents worry about losing our budget so that these extra employees won't be around to help with the work. Management tries to calm these fears but they are still there. On top of that, in order to accommodate this increase in bodies, our organization had to find new ways/places to put people. They achieved this in two ways – 1) they managed to find more office space either on different floors in buildings where we currently have offices, and 2) by importing Workplace 2.0/ABW in our existing spaces. In areas where once 8 people sat, there are now 12. People are stressed out by working in such tight places and they have no sense of personal space when they are in the office. Some decision makers have been told to share offices, whereas in the past they often had their own space.

Senior management has been extremely focused on metrics during this period as the government is carefully monitoring the backlog of refugee and refugee appeal cases. (While the IRB has four divisions – Refugee Protection Division, Refugee Appeal Division, Immigration Division, and Immigration Appeal Division – the ID and IAD were not hit as hard with referrals as the other two divisions. The IAD had an existing backlog but nowhere near the same level as the RPD.) Pressure to achieve these metrics has been strongly felt by our refugee decision makers who are public servants represented by CEIU. They have worked extraordinarily hard in the past year to help the Board achieve a greater output of decisions than any year previous but this means that some put in unpaid overtime which they neither claimed in cash or time in lieu. This also has led to increased discussions about the reasonableness of metrics and whether there is merit in having a "one size fits all" model. Those who do more complex cases enjoy no benefit, bonus, or recognition for taking these cases on. Some members have stated they feel that, in order to make their metrics, they can't give or write negative decisions as they are too time consuming.

The union held discussions with decision makers on their issues specifically and continue to push the employer to recognize the difficult roles they have. This includes speaking to the employer about mental health (issues like vicarious trauma, compassion fatigue, and workload but also on civility and respect.) And while these discussions were underway, the union was approached by a number of decision makers who were being investigated by the Officer of Integrity as well as internally about past decision. An article in the media about one decision maker seems to have led the Board to conduct a witch hunt of our members as they were concerned about potentially embarrassing cases. Fortunately, we have had some success in getting senior management to reconsider these behaviours. We will be discussing the role of the Integrity Officer as well as the members Code of Conduct, which is an additional Code of Conduct on top of the one all public servants must adhere to.

At all levels of the organization, we continue to see unfair hiring practices – especially the 4 months less a day acting assignment opportunities. This leads to a decline in moral as managers seem to have their favourite staff who are picked for better jobs. Senior management and human resource advisors seem not to understand that the choice of hiring practice does lead to a negative environment.

Also clearly impacting mental health is the physical layouts of our offices. Workplace 2.0 and the ABW model have created near claustrophobic spaces where people feel as if they are nearly sitting on top of each other. There is a lack of personal space – although the employer would advise that staff have their own lockers/cabinets, which is technically true but the desk space itself is so limited that people can't put family pictures/drawings up in the same way that they once did. Additionally, until COVID-19 hit, the employer was reluctant to consider people working from home. They were concerned about their ability to monitor and manage staff. Only a very small handful of staff were allowed to work from home and only when it was perceived as a way to save space in our offices and, thereby, could be used by other employees.

The Board has made the mental health of its employees a priority. The Joint Sub-Committee on Mental Health, which reports to the National Policy Health and Safety Committee, created an “evergreen” placemat with strategic recommendations that would enable the Board to begin improving psychological safety in our organization. These recommendations came after the JSC conducted the Not Myself Today survey, which helped define our key areas of concern, as well as having focus groups with separate sessions for employees and managers where both could speak freely and discuss their concerns. It is clear that the Board needs to do more on training, improving civility and respect, providing necessary resources for people to do their jobs and with communication. As employee co-chair of the JSC at the time, I attended almost every session and can attest to what was said at these sessions. The Board has created a Workplace Wellness Directorate, which reports to the Executive Director, to try and address these concerns.

COVID 19 roared in during the middle of March at a time when some people were away on holiday for spring break. The Board was extraordinarily pro-active by sending almost all staff home within the week of March 16. The union initially had twice weekly labour management calls with senior management about the evolving situation, which have now been reduced to once every two weeks. Employees were placed on 699 leave if they were unable to work from home. Approximately 300 employees had no equipment to work from home (laptops or tablets) but this situation is being rectified. The employer has been consulting with the union very regularly and our communication is, overall, very good. Decision makers were able to finalize reserved cases, which are waiting to be mailed out. COVID has forced our

organization to become more electronically savvy than it would have had we need not seen this pandemic. We remain very paper heavy and this needs to change. The Board is piloting virtual hearings with IAD and RPD decision makers, respectively, and “virtual” alternative dispute resolution sessions with our Early Resolution Officers. These hearings will be conducted using the MS Teams platform and the pilot project begins late June. In the meantime, some staff have returned to the office. Vancouver office opened with 25-30% of staff on June 15 while Montreal and Toronto will open June 22. Employees are excited to return but also quite nervous. The Occupational Health and Safety team in Ottawa along with their counterparts in Security and Accommodation are working hard to ensure the safe return of staff to the offices. It has and continues to be a trying time.

The Board will face challenges as we move deeper into 2020. We cannot get back to the capacity of work that we once did because of necessary social distancing measures. This leads one to wonder how/what the government expects us to do with our backlog, what would be seen as reasonable. Our organization had hoped to receive “stabilization funding” with this year’s budget but that is now far from certain. Employees who are term sunset are even more worried about their jobs, particularly for the next fiscal year. There is anxiety about returning to work, about not being allowed to return to work, about changes in policies and procedures, and the shape of the Board generally.

Unfortunately, due to COVID-19, the annual CEIU immigration conference was cancelled. However, I have been involved in several discussions with local presidents, local executive members, and members generally in the past few months. From these discussions, I have worked with Eddy and Crystal to raise issues with senior management at the labour management table, national policy health and safety committee, and indirectly with managers in the Board. I have been having dialogues with the locals to ensure that they are being included in discussions at the local level and coaching them to ensure the needs of their members are being addressed. An IRB meeting will be organized in the near future so members can meet each other virtually and share issues of concern. It has been an extraordinary time.